



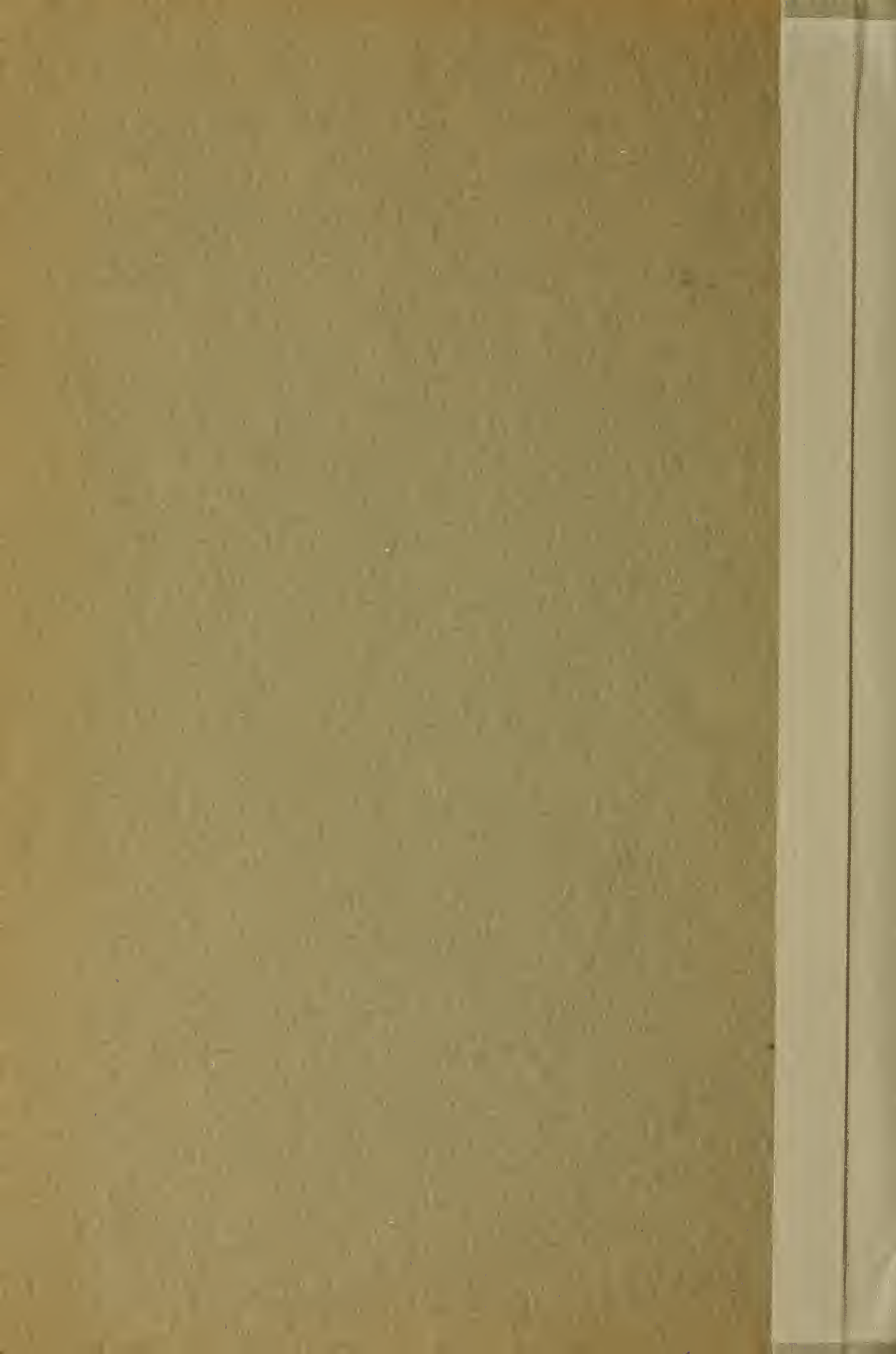
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S P E E C H

OF

R. BUCHANAN, OF PENNSYLVANIA,

IN SUPPORT OF

MR. BENTON'S RESOLUTIONS,

RESPECTING THE

FORTIFICATIONS AND DEFENCE OF THE COUNTRY

IN SENATE, FEBRUARY 1 & 2 1836.

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SPEECH.

SPEECH OF MR. BUCHANAN,
OF PENNSYLVANIA.

In Senate, February 1 and 2—On Mr. Benton's resolutions, as modified by the mover on the suggestion of Mr. Grundy, for setting apart so much of the surplus revenue as may be necessary for the defence and permanent security of the country.

MR. PRESIDENT: I am much better pleased with the first resolution offered by the Senator from Missouri (Mr. Benton) since he has modified it upon the suggestion of the Senator from Tennessee (Mr. Grundy.) When individuals have more money than they know how to expend, they often squander it foolishly. The remark applies, perhaps, with still greater force to nations. When our Treasury is overflowing, Congress, who are but mere trustees for the people, ought to be especially on their guard against wasteful expenditures of the public money. The surplus can be applied to some good and useful purpose. I am willing to grant all that may be necessary for the public defence; but no more. I am therefore pleased that the resolution has assumed its present form.

The true question involved in this discussion is, on whom ought the responsibility to rest for having adjourned on the 3d of March last without providing for the defence of the country. There can be no doubt a fearful responsibility rests somewhere. For my own part, I should have been willing to leave the decision of this question to our constituents. I am a man of peace; and dislike the crimination and recrimination which this discussion must necessarily produce. But it is vain to regret what cannot now be avoided.—The friends of the Administration have been attacked; and we must now defend ourselves. I deem it necessary, therefore, to state the reasons why I voted, on the third of March last, in favor of the appropriation of three millions for the defence of the country, and why I glory in that vote.

The language used by Senators in reference to this appropriation has been very strong. It has been denounced as a violation of the Constitution. It has been declared to be such a measure as would not have received the support of the minority, had they believed it could prevail, and they would be held responsible for it. It has been stigmatized as most unusual—most astonishing—most surprising. And finally, to cap the climax, it has been proclaimed that the passage of such an appropriation would be virtually to create a dictator, and to surrender the power of the purse and the sword into the hands of the President.

I voted for that appropriation under the highest convictions of public duty, and I now intend to defend my vote against all these charges.

In examining the circumstances which not only justified this appropriation, but rendered it absolutely necessary, I am forced into the discussion of the French question. We have been told, that if we should go to war with France, we are the authors of that war. The Senator from New Jersey (Mr. Southard,) has declared that it will be produced by the boastful vanity of one man, the petulance of another, and the fitful violence of a third. It would not be difficult to conjecture who are the individuals to whom the Senator alludes.

He has also informed us, that in the event of such a war, the guilt which must rest somewhere will be tremendous.

Now, sir, I shall undertake to prove, that scarcely an example exists in history of a powerful and independent nation having suffered such wrongs and indignities as we have done from France, with so much patience and forbearance. If France should now resort to arms,—if our defenceless seacoast should be plundered,—if the blood of our citizens should be shed,—the responsibility of the Senate, to use the language of the gentleman, will be tremendous. I shall not follow the example of the Senator, and say, their guilt;—because that would be to attribute to them an evil intention, which I believe did not exist.

In discussing this subject, I shall first present to the view of the Senate the precise attitude of the two nations towards each other, when the appropriation of three millions was refused, and then examine the reasons which have been urged to justify this refusal. After having done so, I shall exhibit our relations with France as they exist at the present moment, for the purpose of proving that we ought now to adopt the resolutions of the gentleman from Missouri, and grant all necessary appropriations for the defence of the country.

In discussing this subject, it is not my intention to follow the fortification bill either into the chamber of the committee of conference, or into the hall of the House of Representatives. It is not my purpose to explain the confusion which then existed, and which always must exist after midnight, on the last evening of the session. I shall contend that the Senate ought to have voted the three millions; that the fortification bill ought to have passed the Senate with this amendment; and that, therefore, the Senate is responsible not only for the loss of this appropriation, but for that of the entire bill.

What then was the attitude in which we stood towards France at the moment when the Senate

rejected this appropriation for the defence of the country? What, at that moment, was known, or ought to have been known, in regard to this question by every Senator on this floor?

The justice of our claims upon France are now admitted by all mankind. Our generosity was equal to their justice. When she was crushed in the dust by Europe in arms—when her cities were garrisoned by a foreign foe—when her independence was trampled under foot, we refused to urge our claims. This was due to our ancient ally. It was due to our grateful remembrance of the days of other years. The testimony of Lafayette conclusively establishes this fact. In the Chamber of Deputies, on the 13th June, 1833, he declared that we had refused to write with the enemies of France in urging our claims in 1814 and 1815; and that, if we had done so, these claims would then have been settled. This circumstance will constitute one of the brightest pages of our history.

Was the sum secured to our injured fellow-citizens by the treaty of the 4th July, 1831, more than they had a right to demand? Let the report of our Committee on Foreign Relations, at the last session, answer this question. They concur entirely with the President, in the statement he had made in his message, that it was absolutely certain the indemnity fell far short of the actual amount of our just claims, independently of damages and interest for the detention; and that it was well known at the time that in this respect, the settlement involved a sacrifice. But there is now no longer room for any conjecture or doubt upon this subject. The commissioners under the treaty have closed their labors. From the very nature of their constitution, it became the interest of every claimant to reduce the other claims as much as possible, so that his own dividend might thus be increased. After a laborious and patient investigation, the claims which have been allowed by the commissioners amount to \$9,352,193 47. Each claimant will receive but little more than half his principal at the end of a quarter of a century after losing all the interest.

Why then has this treaty remained without execution on the part of France, until this day? Our Committee of Foreign Relations, at the last session, declared their conviction that the King of France "had invariably, on all suitable occasions, manifested an anxious desire, faithfully and honestly, to fulfil the engagements contracted under his authority and in his name." They say, that "the opposition to the execution of the treaty, and the payment of our just claims, does not proceed from the King's Government, but from a majority in the Chamber of Deputies."

Now, sir, it is my purpose to contest this opinion, and to show, as I think I can conclusively, that it is not a just inference from the facts.

And here, to prevent all possible misconception, either on this side, or on the other side of the Atlantic, if by any accident my humble remarks should ever travel to such a distance, permit me to say that I am solely responsible for them myself. These opinions were in a great degree formed whilst I was in a foreign land, and were there freely expressed upon all suitable occasions.

I was then beyond the sphere of party influence and felt only as an American citizen.

Is it not then manifest, to use the language of Mr. Livingston in his note to the Count de Rigny of the 3d August, 1831, that the French Government have never appreciated the importance of the subject at its just value? There are two modes in which the King could have manifested this anxious desire faithfully to fulfil the treaty. These are by words and by actions. When a man's words and his actions correspond you have the highest evidence of his sincerity. Even then he may be a hypocrite in the eyes of that Being before whom the fountains of human action are unveiled. But when a man's words and his actions are at variance,—when he promises and does not perform or even attempt to perform,—when "he speaks the word of promise to the ear and breaks it to the hope"—the whole world will at once pronounce him insincere. If this be true in the transactions of common life, with how much more force does it apply to the intercourse between diplomatists? The delicateness of diplomacy has become almost a proverb. In Europe the talent of over-reaching gives a Minister the glory of diplomatic skill. The French school has been distinguished in this art. To prove it, I need only mention the name of Talleyrand. The American school teaches far different lessons. On this our success has, in a great degree, depended. The skilful diplomatists of Europe are foiled by the downright honesty and directness of purpose which have characterized all our negotiations.

Even the established forms of diplomacy contain much unmeaning language, which is perfectly understood by everybody, and deceives nobody. Ministers have avowed their sincerity, and their ardent desire to execute the treaty; to deny them, on our part, would be insulting, and might lead to the most unpleasant consequences. In forming an estimate of their intentions, therefore, every wise man will regard their actions, rather than their words. By their deeds shall they be known. Let us then test the French Government by this touchstone of truth.

The ratifications of the treaty of the 4th July, 1831, were exchanged at Washington, on the 2d February, 1832. When this treaty arrived in Paris, the French Chambers were in session, and they continued in session for several weeks. They did not adjourn, until the 19th of April. No time more propitious for presenting this treaty to the Chambers, could have been selected, than that very moment. Europe then was, as I believe it still is, one vast magazine of gunpowder. It was generally believed, that the Polish revolution was the spark which would produce the explosion. There was imminent danger of a continental war, in which France, to preserve her existence, would have to put forth all her energies. Russia, Prussia, and Austria, were armed and ready for the battle. It was then the clear policy of France to be at a good understanding with the United States. If it had been the ardent desire of the King's Government, to carry into effect the stipulations of the treaty, they would have presented it to the Chambers before their adjournment. This would

undoubtedly have been the course pursued by any President of the United States, under similar circumstances. But the treaty was not presented.

I freely admit, that this omission, standing by itself, might be explained by the near approach of the adjournment, at the time the treaty arrived from Washington. It is one important link, however, in the chain of circumstances, which cannot be omitted.

The Government of the United States proceeded immediately to execute their part of the treaty. By the act of the 13th July, 1832, the duties on French wines were reduced according to its terms, to take effect from the day of the exchange of ratifications. At the same session, the Congress of the United States, impelled, no doubt, by their kindly feelings towards France, which had been roused into action by what they believed to be a final and equitable settlement of all our disputes, voluntarily reduced the duty upon silks coming from this side of the Cape of Good Hope, to five per cent, whilst those from beyond were fixed at ten per cent. And at the next session, on the 21 of March, 1833, this duty of five per cent. was taken off altogether; and ever since, French silks have been admitted into our country free of duty. There is now, in fact, a discriminating duty of ten per cent. in their favor, over silks from beyond the Cape of Good Hope.

What has France gained by these measures in duties on her wines and her silks, which she would otherwise have been bound to pay? I have called upon the Secretary of the Treasury, for the purpose of ascertaining the amount. I now hold in my hand a tabular statement, prepared at my request, which shows, that had the duties remained what they were, at the date of the ratification of the treaty, these articles, since that time, would have paid into the Treasury, on the 30th September, 1834, the sum of \$3,661,525. Judging from the large importations which have since been made, I feel no hesitation in declaring it as my opinion, that, at the present moment, these duties would amount to more than the whole amount which France has engaged to pay to our fellow-citizens. Before the conclusion of the ten years mentioned in the treaty, she will have been freed from the payment of duties to an amount considerably above twelve millions of dollars.

By the same act of the 13th July, 1832, a Board of Commissioners was established to receive, examine, and decide the claims of our citizens under the treaty, who were to meet on the first day of the following August. This act also directed the Secretary of the Treasury to cause the several instalments, with the interest thereon, payable to the United States in virtue of the convention, to be received from the French Government and transferred to the United States in such manner as he may deem best. In this respect the provisions of the act correspond with the terms of the treaty, which prescribe that the money shall be paid into the hands of such person or persons as shall be authorized to receive it by the Government of the United States.

Were the French Government immediately informed of all these proceedings? Who can doubt it? Certainly no one at all acquainted with the vigilance and zeal of their diplomatic agents.

The 19th of November, 1832, the day for the meeting of the Chambers, at length arrived.—Every American was anxious to know what the King would say in his speech concerning the treaty. No one could doubt but that he would strongly recommend to the Chambers to make the appropriation of twenty-five millions of francs, the first instalment of which would become due on the second of February following. All, however, which the speech contains in relation to the treaty is compressed in the following sentences:—"I have also ordered my ministers to communicate to you the treaty concluded on the 4th July, 1831, between my Government and that of the United States of America. This arrangement puts an end to the reciprocal claims of the two countries." Now, sir, I am well aware of the brevity and non-committal character of King's speeches in Europe. I know then the necessity which exists there for circumspection and caution. But making every fair allowance for these considerations, I may at least say, that the speech does not manifest an anxious desire to carry the treaty into effect. What might the King have said; what ought he to have said; what would he have said but he felt this anxious desire? It might have been embraced in a single additional sentence, such as the following: "The Congress of the United States have already provided for the admission of French wines into their ports upon the terms of this treaty, and have voluntarily reduced their duties upon French silks; I must, therefore, request you to grant me the means of discharging the first instalment which will become due, under this treaty, on the second day of February next." The King did not even ask the Chambers for the money necessary to redeem the faith of France. In this respect the debt due to the United States is placed in striking contrast to the Greek loan.—Immediately after the two sentences of the speech, which I have already quoted, the King proceeds: "You will likewise be called to examine the treaty by which Prince Otto of Bavaria is called to the throne of Greece. *I shall have to request from you the means of giving assistance, in union with my allies, to a loan which is indispensable for the establishment of the new State founded by our cares and concurrence.*"

The establishment of the new State founded by our cares and concurrence! Russia, sir, has made greater advances by her skill in diplomacy than by her vast physical power. Unless I am much mistaken, the creation of this new state, with Prince Otto as its King, will accomplish the very object which it was the interest and purpose of France to defeat. It will, in the end, virtually convert Greece into a Russian province. I could say much more on the subject, but I forbear. My present purpose is merely to present it in a striking view, the difference between the King's language in relation to our treaty, and that treaty which placed the son of the King of Bavaria on the throne of Greece.

Time passed away, and the 21 February, 1833, the day when the first instalment under the treaty became due, arrived. It was to be paid "into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The money on that day

ought to have been ready at Paris. But strange, but most wonderful as it may appear, although the Chambers had been in session from the 19th of November until the 2d of February, the King's Government had never even presented the treaty to the Chambers,—had never even asked them for a grant of the money necessary to fulfil its engagements. Well might Mr. Livingston say, that they had never properly appreciated the importance of the subject.

The Government of the United States, knowing that the King in his speech had promised to present the treaty to the Chambers, and knowing that they had been in session since November, might have taken means to demand the first instalment at Paris on the 2d day of February. Strictly speaking, it was their duty to do so, acting as trustees for the claimants. But they did not draw a bill of exchange at Washington for the first instalment, until five days after it had become due at Paris. This bill was not presented to the French Government for payment until the 23d March, 1833. Even at that day, the French Ministry had not presented either the treaty, or a bill to carry it into effect, to the Chambers. The faith of France was thus violated by the neglect of the King's Government, long before any bill was presented. They, and not the Chambers, are responsible for this violation. It was even impossible for the Chambers to prevent it. Had this treaty and bill been laid before them in time to have enabled them to redeem the faith of France, the loyalty of the French character would never have permitted them to be guilty of a positive violation of national honor. The faith of the nation was forfeited before they were called upon to act. The responsibility was voluntarily assumed by the King's ministers. The Chambers are clear of it. Besides, the Ministry were all powerful with the Chambers during that session. They carried every thing they urged. Even the bill providing the means of guaranteeing the Greek loan, became a law. Can it then for a single moment be believed, that if a bill to carry into effect our treaty—a treaty securing such important advantages to France—had been presented at an early period of the session, and had been pressed by the Ministry, that they would have failed in the attempt? At all events, it was their imperative duty to pursue this course. The aspect of the political horizon in Europe was still lowering. There was still imminent danger of a general war. France was still in a position to make her dread any serious misunderstanding with the United States.

After all this, on the 26th March, the Duke de Broglie, in a note to Mr. Niles, our Charge d'Affaires at Paris, stated that it was "a source of regret, and indeed, of astonishment, that the Government of the United States did not think proper to have an understanding with that of France, before taking this step." What step? The demand of an honest debt, almost two months after it had been due, under a solemn treaty. Indeed, the Duke, judging from the tone of his note, appears almost to have considered the demand an insult. To make a positive engagement to pay a fixed sum on a particular day, and when that sum is demand-

nicated their apprehensions to this Government, and asked it to suspend the demand of the money. But they had never whispered such a suspicion, after the exchange of the ratifications of the treaty; and the first intimation of it on this side of the Atlantic, was accompanied by the astounding fact that the French Government had dishonored our bill. It is true, that before the treaty was signed, they had expressed some apprehensions to Mr. Rives on this subject. These, it would seem, from their subsequent conduct, were merely diplomatic, and intended to produce delay; because, from the date of the treaty, on the 4th July, 1831, until after our bill of exchange was dishonored, in March, 1833, no intimation of danger from that quarter was ever suggested. These circumstances, ed nearly two months after, to express astonishment to the creditor, would, in private life, be considered trifling and evasive.

The excuse made by the French Ministry for their conduct, is altogether vain. Had they dreaded the vote of the Chambers—had they been afraid to appear before them with their treaty and their bill, they would, and they ought to have commended a great noise throughout Europe, and soon became the subject of general remark.

On the 6th of April, 1833, a year and more than two months after the exchange of the ratifications at Washington, the treaty and bill were first presented to the French Chambers. The session closed on the 25th of April, without any further action upon the subject. No attempt was made by the Ministry to press it; and as the session would terminate so soon, perhaps no attempt ought to have been made. But, as a new session was to commence the day after the termination of the old, and to continue two months, a favorable opportunity was thus presented to urge the passage of the law upon the Chambers. Was this done? No sir. The ministry still continued to pursue the same course. They suffered the remainder of the month of April to pass, the month of May to pass, and not until the eleventh of June, only fifteen days before the close of the session, did they again present the bill to carry into effect the treaty. It was referred to a committee, of which Mr. Benjamin Delessert was the Chairman. On the 18th of June, he made a report. This report contains a severe reprimand of the French Government for not having presented the bill at an earlier period of the session; and expresses the hope that the treaty may be communicated at the opening of the next session. If we are to judge of the opinion of the Chamber from the tone and character of this report, instead of being hostile to the execution of the treaty, had it been presented to them in proper time, they felt every disposition to regard it in a favorable light. I shall read the whole report—it is very short, and is as follows:

"Gentlemen: The Committee charged by you, to examine the bill relative to the treaty, concluded on the 4th of July, 1831, between France and the United States, has demanded a number of documents and reports, which must be examined, in order to obtain a complete knowledge of so important a transaction.

"The committee was soon convinced, that a conscientious examination of these papers, would re-

quire much time; and that, at so advanced a period of the session, its labors would have no definitive result. It regrets, that from motives which the Government only can explain, the bill was not presented earlier to the Chamber for discussion. It regrets this so much the more, as it is convinced of the importance of the treaty, which essentially interests our maritime commerce, our agriculture, and our manufactures.

"Several chambers of commerce, particularly those of Paris and Lyons, have manifested an ardent desire that the business should be speedily terminated.

"The committee would be satisfied if, after a deeper study of the question, it could enlighten the Chamber with regard to the justice of the claims alleged by each of the parties to the treaty, and which form the basis of it; but as time does not allow a definitive report to be made on the subject, it considers itself as the organ of the Chamber, in expressing the wish that this treaty be communicated, at the opening of the next session; and that its result may be such, as to strengthen the bonds of friendship, which must ever exist between two nations so long united by common interest and sympathy."

After a careful review of this whole transaction, I am convinced that the Government of France never would have pursued such a course towards us, had they entertained a just sense of our power, and our willingness to exert it in behalf of our injured fellow citizens. Had Russia or Austria been her creditors, instead of ourselves, the debt would have been paid when it became due; or at the least, the Ministers of the King would have exerted themselves, in a far different manner, to obtain the necessary appropriation from the Chambers. I am again constrained, however reluctantly, to adopt the opinion which I had formed at the moment. Our fierce political strife in this country is not understood in Europe; and least of all, perhaps, in France. During the autumn of 1832, and the session of 1832, '3, it was believed abroad that we were on the very eve of a revolution; that our glorious Union was at the point of dissolution. I speak, sir, from actual knowledge. Whilst the advocates of despotism were looking forward, with eager hope, to see the last free republic blotted out from the face of nations, the friends of freedom throughout the world were disheartened, and dreaded the result of our experiment. The storm did rage in this country with the utmost violence. It is no wonder that those friends of liberty, on the other side of the Atlantic, who did not know how to appreciate the recuperative energies of a free and enlightened people, governed by Federal and State institutions of their own choice, should have been alarmed for the safety of the Republic. For myself I can say that I never felt any serious apprehension; yet the thrill of delight with which I received the news of the passage of the famous compromise law of March, 1833, can never be effaced from my memory. I did not then stop to inquire into the nature of its provisions. It was enough for me to know that the Republic was safe, not only in my own opinion, but in the opinion of the world.

Suppose, sir, that the President of the United

States, under similar circumstances, had withheld a treaty from Congress requiring an appropriation for fourteen months after it had been duly ratified, and had thus forfeited the national faith to a foreign Government, what would have been the consequence? Sir, he ought to have been, he would have been impeached. No circumstances could ever have justified such conduct in the eyes of the American Congress or the American People.

After all the provocation which the President had received, as the Representative of his country, what was his conduct? It might have been supposed that this violent man, as the Senator from New Jersey (Mr. Southard) has designated him, would at once have recommended decisive measures. Judging from his energy,—from his well known devotion to the interests of his country,—and above all, from his famous declaration to ask nothing from foreign nations but what was right, and to submit to nothing wrong, I should have expected from him an indignant message at the commencement of the next session of Congress. Instead of that, the message of December, 1833, in relation to French affairs, is of the mildest character. It breathes a spirit of confident hope that our ancient ally would do us justice during the next session of the Chambers. His exposition of this subject is concluded by the following declaration:

"As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition; and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require."

And thus ends the first act of this astonishing historical drama. Throughout the whole of it, beginning, middle, and end, the French Government, and not the French Chambers, were exclusively to blame.

We have now arrived at the mission of Mr. Livingston. He reached Paris in September, 1833. The Duke de Broglie assured him "that the King's Government would willingly and without hesitation promise to direct the deliberations of the Chambers to the *projet de loi* relative to the execution of the convention of July 4, 1831, on the day after the Chamber is constituted, and to employ every means to secure the happy conclusion of an affair, the final determination of which the United States cannot desire more ardently than ourselves." After this assurance, and after all that had passed, it was confidently expected that the King would, in strong terms, have recommended the adoption of the appropriation by the Chambers. In this we were again doomed to disappointment. In his opening speech he made no direct allusion to the subject. He simply says, that "the financial laws, and those required for the execution of treaties, will be presented to you."

The bill was presented, and debated, and finally rejected by the Chamber of Deputies on the 1st day of April, 1834, by a vote of 176 to 168. It is not my present purpose to dwell upon the

causes of this rejection. No doubt the principal one was that the French Ministers were surprised near the conclusion of the debate, and were unable at the moment to show that the captures at St. Sebastian's were not included in our treaty with Spain. I am sorry they were not better prepared upon this point; but I attribute to them no blame on that account.

It has been urged over and over again, both on this floor and elsewhere, that the rejection of the treaty was occasioned by the publication in this country of Mr. Rives's letter to Mr. Livingston of the 8th of July, 1831. Is this the fact? If it be so it ought to be known to the world. If it be not, both the character of this Government and of Mr. Rives should be rescued from the imputation. What is the opinion expressed in this letter? Is it that the American claimants would obtain, under the treaty, more than the amount of their just claims? No such thing. Is it that they would obtain the amount of their just claims with interest? Not even this. The negotiator merely expresses the opinion that they would receive every cent of the principal. He does not allege that they would receive one cent of interest for a delay of nearly a quarter of a century. This opinion is evidently founded upon that expressed by Mr. Gallatin in a despatch dated on the 14th January, 1822, cited by Mr. Rives, in which the former expresses his belief that five millions of dollars would satisfy all our just claims. It ought to be observed that the sum stipulated to be paid by the treaty is only 25,000,000 of francs, or about \$4,700,000; and that more than nine years had elapsed between the date of Mr. Gallatin's despatch and the signing of the treaty. These facts all appear on the face of the letter, with the additional fact that the statements of the claimants, which have from time to time been presented to Congress, carry the amount of the claims much higher. These statements, however, Mr. Rives did not believe were a safe guide.

This is the amount of the letter, when fairly analysed, which, it is alleged, destroyed the treaty before the French Chambers. If a copy of it had been placed in the hands of every Deputy, it could not possibly have produced any such effect.

That it did not occasion the rejection of the treaty is absolutely certain. I have examined the whole debate for the purpose of discovering any allusion to this letter; but I have examined it in vain. Not the slightest trace of the letter can be detected in any of the numerous speeches delivered on that occasion. The topics of opposition were various, and several of them of a strange character; but the letter is not even once alluded to throughout the whole debate. If its existence were known at the time in the French Chamber, this letter, written by a Minister to his own Government, expressing a favorable opinion of the result of his own negotiations, was a document of a character so natural, so much to be expected, that not one Deputy in opposition to the treaty believed it to be of sufficient importance even to merit a passing notice. Still, I have often thought it strange it had never been mentioned in the debate. The mystery is now resolved. The truth is, this letter, which is alleged to have produced

such fatal effects, was entirely unknown to the members of the French Chamber when they rejected the treaty. This fact is well established by a letter from Mr. Jay, the chairman of the committee, appointed by the Chamber of Deputies to investigate our claims, addressed to Mr. Gibbes, and dated at Paris on the 24th January, 1835. I shall read it.

Extract of a letter from Mr. Jay to Mr. Gibbes, dated 24th January, 1835.

"It is asserted in the American prints that the rejection of the American treaty by the Chamber of Deputies, at their last session, was chiefly owing to the publication of a letter from Mr. Rives to his own Government. This is an error, which justice to that distinguished statesman, and a sense of his unremitting exertions to promote the interests of his Government while here, induce me formally to contradict. No such evidence appears in the debates; and in none of my conversations with the members have I ever heard his letter alleged as the motive for disputing the amount due. I much question, indeed, if any other Deputy than myself ever read the letter alluded to."

We have now arrived at that point of time when a majority of the French Chamber arrayed themselves against the treaty. This decision was made on the 1st April, 1834. Some apprehensions then prevailed among the King and his ministers. The business was now becoming serious. New assurances had now become necessary to prevent the President from presenting the whole transaction to Congress, which they knew would still be in session, when the information of the rejection would reach the United States. In his annual message, at the commencement of the session, it will be recollected, he had declared that should he be disappointed in the hope then entertained, he would again bring the subject before Congress, in such a manner as the occasion might require. They knew that he was a man who performed his promises, and a great effort was to be made to induce him to change his purpose.

Accordingly a French brig of war, the *Cuirassier*, is fitted out with despatches to Mr. Sururier. They reached him on the 3d June. On the 4th, he has an interview with Mr. M'Lane, and makes explanations which the latter very properly requests may be reduced to writing. In compliance with this request, the French Minister, on the 5th addresses a note to Mr. M'Lane. After expressing the regrets of the French Government at the rejection of the bill, he uses the following language. "The King's Government, sir, after this rejection, the object of so much painful disappointment to both Governments, has deliberated, and its unanimous determination has been to make an appeal from the first vote of the present Chamber, to the next Chamber, and to appear before the new legislature with its treaty and its bill in hand."

"It flatters itself that the light already thrown upon this serious question, during these first debates, and the expression of the public wishes becoming each day more clear and distinct, and, finally, a more mature examination, will have, in the mean time, modified the minds of persons,

and that its own conviction will become the conviction of the Chambers. The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that its persevering persuasion of the justice and of the mutual advantages of the treaty authorizes you to expect from it. Its intention, moreover, is to do all that our constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law.

Such, sir, are the sentiments, such the intentions of His Majesty's Government. I think I may rely that, on its part, the Government of the republic will avoid, with fore-seeing solicitude, in this transitory state of things, all that might become a cause of fresh irritation between the two countries, compromise the treaty, and raise up an obstacle perhaps insurmountable, to the views of reconciliation and harmony which animate the King's council.

Now, sir, examine this letter, even without any reference to the answer of Mr. McLane, and can there be a doubt as to its true construction? It was not merely the disposition, but "it was the *intention* of the King's Government to do all that their Constitution allows; to hasten, as much as possible, the period of the new presentation of the rejected law." The President knew that under the Constitution of France the King could at any time convvoke the Chambers upon three weeks notice. It was in his power, therefore, to present this law to the Chambers whenever he thought proper. The promise was to hasten this presentation as much as possible. Without any thing further the President had a right confidently to expect that the Chambers would be convoked in season to enable him to present their decision to the Congress of the United States in his next annual message. The assurance was made on the 5th June, and Congress did not assemble until the beginning of December. But the letter of Mr. McLane, of the 27th June, removes all possible doubt from this subject. He informs Mr. Ferrurier that "the President is still unable to understand the causes which led to the result of the proceeding in the Chamber, especially when he recollected the assurances which had so often been made by the King and his ministers, of their earnest desire to carry the convention into effect, and the support which the Chamber had afforded in all the other measures proposed by the King." And again:

"The assurances which M. Serurier's letter contains, of the adherence of the King's Government to the treaty, of its unanimous determination to appeal from the decision of the present to the new Chamber, and its conviction that the public wish, and a mature examination of the subject, will lead to a favorable result, and its intention to make every constitutional effort to that effect, and finally, its intention to do all that the Constitution allows to hasten the presentation of the new law, have all been fully considered by the President."

"Though fully sensible of the high responsibility which he owes to the American people, in a matter touching so nearly the national honor, the President, still trusting to the good faith and jus-

tice of France, willing to manifest a spirit of forbearance so long as it may be consistent with the rights and dignity of his country, and to his desiring to preserve those relations of friendship which, as an element in our struggle for independence, form the true policy of both nations, and sincerely respecting the King's wish, will rely upon the assurances which M. Serurier has been instructed to offer, and will therefore await with confidence the promised appeal to the new Chamber."

"The President, in desiring the undersigned to request that his sentiments on this subject may be made known to His Majesty's Government, has instructed him also to state his expectation that the King, seeing the great interests now involved in the subject, and the deep solicitude felt by the people of the United States respecting it, will enable him, when presenting the subject to Congress, as his duty will require him to do at the opening of their next session, to announce at that time the result of that appeal, and so His Majesty's efforts for its success."

Had this letter of Mr. McLane placed a different construction upon the engagement of the French Government from that which Mr. Ferrurier intended to communicate, it was his duty to make the necessary explanations without delay. He, in that case, would have done so instantly. It was a subject of too much importance to suffer any equivocal position to exist concerning it for a single moment.

Notwithstanding all which had passed, the President, on the faith of these assurances of the French Government, suffered Congress to adjourn without presenting the subject to their view. This, sir, is violent man, instigated by his own good feelings towards our ancient ally, and by his love of peace, determines that he would try them once more, that he would once more extend the olive branch before presenting to Congress and the nation a history of our wrongs. I confess I do not approve of this policy. I think the time had then arrived to manifest to France some sensibility on our part on account of her delay in executing the treaty. I believe that such a course would have been dictated by sound policy.

What were the consequences of this new manifestation of the kindly feelings of the President towards France? Was it properly appreciated by the French Government? Was it received in the same liberal and friendly spirit from which it had proceeded? Let the sequel answer these questions. I shall read you Mr. Livingston's opinion on the subject. In a letter to Mr. Forsyth, under date of the 22d November, 1834, he thus expresses himself:

"I do not hope for any decision on our affairs before the middle of January. One motive for delay is an expectation that the message of the President may arrive before the discussion, and that it may contain something to show a strong national feeling on the subject. *This is not mere conjecture; I know the fact; and I repeat now, from a full knowledge of the case, what I have more than once stated in my former despatches as my firm persuasion, that the moderate tone taken by our Government, when the rejection*

was first known, was attributed by some to indifference, or to a conviction on the part of the President that he would not be supported in any strong measure by the people, and by others to a consciousness that the convention had given us more than we were entitled to ask."

I shall now proceed to show in what manner the French Government performed the engagement which had been made by their Representative in Washington to hasten the presentation of the rejected law as much as possible.

The Chambers met on the 31st July, and the King made them a speech. This speech contains no allusion to the subject of the treaty except the following: "The laws necessary for carrying treaties into effect, and those still required for the accomplishment of the promises of the Chamber, will be again presented to you in the course of this session." The rejected bill was not presented. After a session of two weeks, the Chambers were prorogued on the 16th August until the 29th December,—a day, almost a month after the next meeting of Congress.

I admit that strong reasons existed for dispensing with that part of the obligation which required the French Government to present the bill at this short session. No good reason has ever been alleged or can ever be alleged to excuse them for proroguing the Chambers until so late a day as the 29th of December. They might have met, and they ought to have met, at an early period of the autumn. They have heretofore met, on different occasions, for the despatch of business, in every month of the year. It was in vain that Mr. Livingston urged the necessity of an earlier meeting on the Count de Rigny. It was in vain that he appealed to the positive engagement of the French Government made by Mr. Serrurier. It was in vain that he declared to him, "that the President could not, at the opening of the next session of Congress, avoid laying before that body a statement of the then position of affairs on this interesting subject, nor, under any circumstances, permit that session to end, as it must, on the third March, without recommending such measures as he may deem that justice and the honor of the country may require." All his remonstrances were disregarded. Instead of hastening the presentation of the rejected law as much as possible, they refused to assemble the Chambers in time even to present the bill before the meeting of Congress. Their meeting was so long delayed, as to render it almost impossible that their determination should be known in this country before the close of the session, notwithstanding the President had agreed not to present the subject to Congress at the previous session, under a firm conviction that he would receive this determination in time to lay it before them at the commencement of their next session. Is there a Senator in this hall, who can believe for a moment, that if the President had been informed the rejected bill would not be laid before the Chambers until the 29th December, he would have refrained from communicating to Congress, at their previous session, the state of the controversy between the two countries? Upon this construction, the engagement of the French Government was

mere words, without the slightest meaning; and the national vessel which brought it in such solemn form, might much better have remained at home.

What was the apology—what the pretext under which the King's Government refused to assemble the Chambers at an earlier period? It was, that Mr. Serrurier had made no engagement to that effect, and that the intention which he had expressed in behalf of his Government to do all that the constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law, meant no more than that this was their disposition. The word "intention" is thus changed into "disposition" by the Count de Rigny; and the whole engagement which was presented to the President in such an imposing form, was thus converted into a mere unmeaning profession of their desire to hasten this presentation as much as possible.

Sir, at the commencement of the session of Congress, it became the duty of the President to speak, and what could any American expect that he would say? The treaty had been violated in the first instance, by the Ministers of the French King, in neglecting to lay it before the Chambers until after the first instalment was due. It was then twice submitted, at so late a period of the session, that it was impossible for the Chambers to examine and decide the question before their adjournment. On the last of these occasions, the chairman of the committee, to which the subject was referred, had reported a severe reprimand against the Government, for not having sooner presented the bill, and expressed a hope that it might be presented at an early period of the next session. It was then rejected by the Chamber of Deputies; and when the French Government had solemnly engaged to hasten the presentation of the rejected law, as soon as their Constitution would permit, they prorogue the Chambers to the latest period which custom sanctions, in the very face of the remonstrances of the Minister of the United States. I ask again, sir, before such an array of circumstances, what could any man, what could any American expect the President would say in his message? The cup of forbearance had been drained by him to the very dregs. It was then his duty to speak so as to be heard and to be regarded on the other side of the Atlantic. If the same spirit which dictated the message, or any thing like it, had been manifested by Congress, the money, in my opinion, would ere this have been paid.

The question was then reduced to a single point. We demanded the execution of a solemn treaty; it had been refused. France had promised again to bring the question before the Chambers as soon as possible. The Chambers were prorogued until the latest day. The President had every reason to believe that France was trifling with us, and that the treaty would again be rejected. Is there a Senator, within the sound of my voice, who, if France had finally determined not to pay the money, would have tamely submitted to this violation of national faith? Not one!

The late war with Great Britain elevated us in the estimation of the whole world. In every portion of Europe, we have reason to be proud that we are American citizens. We have paid

dearly for the exalted character we now enjoy among the nations, and we ought to preserve it and transmit it unimpaired to future generations. To them it will be a most precious inheritance.

If, after having compelled the weaker nations of the world to pay us indemnities for captures made from our citizens, we should cower before the power of France, and abandon our rights against her, when they had been secured by a solemn treaty, we should be regarded as a mere Hector among the nations. The same course which you have pursued towards the weak, you must pursue towards the powerful. If you do not, your name will become a by-word and a proverb.

But under all the provocations which the country had received, what is the character of that message? Let it be scanned with eagle eyes, and there is nothing in its language at which the most fastidious critic can take offence. It contains an enumeration of our wrongs in mild and dignified language, and a contingent recommendation of reprisals, in case the indemnity should again be rejected by the Chambers. But in this, and in all other respects, it defers entirely to the judgment of Congress. Every idea of an intended menace is excluded by the President's express declaration. He says: "Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect any thing from her fears, and preclude the necessity of the declaration, that nothing partaking of the character of intimidation is intended by us."

I ask again, is it not forbearing in its language? Is there a single statement in it not founded upon truth? Does it even state the whole truth against France? Are there not strong points omitted? All these questions must be answered in the affirmative. On this subject we have strong evidence from the Duke de Broglie himself. In his famous letter to Mr. Pageot of June 17th, 1835,—the arrow of the Parthian as he flew,—this fact is admitted. He says:

"If we examine in detail the message of the President of the United States, (I mean that part of it which concerns the relations between the United States and France,) it will possibly be found, that passing successively from phrase to phrase, none will be met that cannot bear an interpretation more or less plausible, nor of which, strictly speaking, it cannot be said that it is a simple expose of such a fact, true in itself, or the assertion of such or such a right which no one contests, or the performance of such or such an obligation imposed on the President by the very nature of his functions. There will certainly be found several in which the idea of impeaching the good faith of the French Government, or of acting upon it through menace or intimidation, is more or less disavowed."

It was the whole message, and not any of the detached parts, at which the French Government chose to take offence.

It is not my present purpose to discuss the propriety of the recommendation of reprisals, or whether that was the best mode of redress which could have been suggested. Some decided recommendation, however, was required from the

Executive, both by public opinion and by the wrongs which we had so long patiently endured.

Who can suppose that the Executive intended to menace France, or to obtain from her fears what would be denied by her sense of justice? The President, in this very message, expressly disclaims such an idea. Her history places her far above any such imputation. The wonder is, how she could have ever supposed the President, against his own solemn declaration, intended to do her any such injustice. She ought to have considered it as it was, a mere Executive recommendation to Congress, not intended for her at all—not to operate upon her fears, but upon their deliberations in deciding whether any and what measures should be adopted to secure the execution of the treaty. But on this subject I shall say more hereafter.

We have now arrived at the special message of the President to Congress of the 26th February last; a document which has a most important bearing on the appropriation of the three millions which was rejected by the Senate. I have given this historical sketch of our controversy with France, for the purpose of bringing Senators to the very point of time, and to the precise condition of this question, when the Senate negatived that appropriation.

What had Congress done in relation to the French question when this message was presented to us? Nothing, sir, nothing. The Senate had unanimously passed a resolution on the 15th January, that it was inexpedient, at present, to adopt any legislative measure, in regard to the State of affairs between the United States and France. This unanimity was obtained by two considerations. The one was, that the French Chambers had been convened, though not for the purpose of acting upon our treaty, on the first, instead of the 29th of December, a fact unknown to the President at the date of his message. The other, that this circumstance afforded a reasonable ground of hope, that we might learn their final determination before the close of our session on the 3d March. But whatever may have been the causes, the Senate had determined that, for the present, nothing should be done.

In the House of Representatives, at the date of the Special message, on the 26th February, no measure whatever, had been adopted. The President had just cause to believe that the sentiments contained in his message to Congress, at the commencement of their session, were not in unison with the feelings of either branch of the legislature. He, therefore, determined to lay all the information in his possession before Congress, and leave it for them to decide whether any or what measures should be adopted for the defence of the country. I shall read this message. It is as follows:

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that Minister, and of all the late correspondence with the French Government in Paris, or in Washington, except a note of Mr. Serrurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires."

The President leaves the whole question to Congress. What was the information then communicated? That a very high state of excitement existed against us in France. That the French Minister had been recalled from this country; an act which is generally the immediate precursor of hostilities between nations. Besides, Mr. Livingston, who was a competent judge and on the spot, with the best means of knowledge, informed his Government that he would not be surprised, should the law be rejected, if they anticipated our reprisals, by the seizure of our vessels in port, or the attack of our ships in the Mediterranean, by a superior force. Such were his apprehensions upon this subject, that he felt it to be his duty, without delay, to inform Commodore Patterson of the state of things, so that he might be upon his guard.

Ought these apprehensions of Mr. Livingston to have been disregarded? Let the history of that gallant people answer this question. How often has the injustice of their cause been concealed from their own view, by the dazzling brilliancy of some grant and striking exploit? Glory is their passion, and their great Emperor, who knew them best, often acted upon this principle. To anticipate their enemy, and commence the war with some bold stroke, would be in perfect accordance with their character.

Every Senator, when he voted upon the appropriation, must have known, or at least might have known, all the information which was contained in the documents accompanying the President's message.

It has been objected, that if the President desired this appropriation of three millions, he ought to have recommended it in his message. I protest against this principle. He acted wisely, discreetly, and with a becoming respect for Congress, to leave the whole question to their decision. This was especially proper, as we had not thought proper to adopt any measure in relation to the subject.

Suppose the President had, in his special message, recommended this appropriation, what would have been said, and justly said, upon the subject? Denunciations the most eloquent would have resounded against him throughout the whole country, from Georgia to Maine. It would have every where been proclaimed as an act of Executive dictation. In our then existing relations with France, it would have been said, and said with much force, that such a recommendation from the Executive might have had a tendency to exasperate her people, and produce war.

Besides, I shall never consent to adopt the principle that we ought to take no measures to defend the country, without the recommendation of the Executive. This would be to submit to that very dictation, against which, on other occasions, gentlemen themselves have so loudly protested. No sir, I shall always assert the perfect right of Congress to act upon such subjects, independently of any Executive recommendation.

This special message was referred to the Committee on Foreign Relations, in the House of Representatives, on the 26th February. On the next day they reported three resolutions, one of which was, "that contingent preparation ought to be made, to meet any emergency growing out of our relations with France." The session was rapidly drawing to a close. But a few days off it then remained. It would have been vain to act upon this resolution. It was a mere abstraction. Had it been adopted, it could have produced no effect; the money was wanted to place the country in a state of defence, and not a mere opinion that it ought to be granted. The Chairman of the Committee on Foreign relations, therefore, on the 28th February, had this resolution laid upon the table, and gave notice that he would move an amendment to the fortification bill, appropriating three millions of dollars, one million to the army, and two millions to the navy, to provide for the contingent defence of the country.

It has been urged, that because the President, in his last annual message, has said that this contingent appropriation was inserted according to his views, that some blame attaches to him from the mode of its introduction. Without pretending to know the fact, I will venture the assertion, that he never requested any member, either of this or the other branch of the Legislature, to make such a motion. He had taken his stand—he had left the whole subject to Congress. From this he never departed. If the Chairman of any committee, or any other member of the Senate or the House, called upon him to know his views upon the subject, he no doubt communicated them freely and frankly. This is his nature. Surely no blame can attach to him for having expressed his opinion upon this subject to any member who might ask it. It has been the uniform course pursued on such occasions.

On the 2d of March, the House of Representatives, by a unanimous vote, resolved that, in their opinion, the treaty with France, of the 4th July, 1831, should be maintained, and its execution insisted on. This was no party vote. It was dictated by a common American feeling, which rose superior to party. After this solemn declaration of the House, made in the face of the world, how could it be supposed they would adjourn, without endeavoring to place the country in an attitude of defence? What, sir! the Representatives of the People, with an overflowing treasury, to leave the country naked and exposed to hostile invasion, and to make no provision for our navy, after having declared unanimously that the treaty should be maintained! Who could have supposed it?

On the 3rd of March, upon the motion of the Chairman of the Committee on Foreign Relations (Mr. Cambreleng,) and in pursuance of the notice

which he had given on the 25th of February, this appropriation of three millions was annexed as an amendment to the fortification bill. The vote upon the question was 109 in the affirmative, and 77 in the negative. This vote, although not unanimous, like the former, was no party vote. The bill, thus amended, was brought to the Senate. Now sir, let me ask, if this appropriation had proceeded from the House alone, without any message or any suggestion from the Executive, would not this have been a legitimate source? Ought such an appropriation to be opposed in the Senate, because it had not received Executive sanction? Have the Representatives of the People no right to originate a bill for the defence and security of their constituents and their country, without first consulting the will of the President? For one, I shall never submit to any such a slavish principle. It would make the Executive every thing, and Congress nothing.

Had the indemnity been absolutely rejected by the Chambers, the two nations would have been placed in a state of defiance towards each other. In such a condition it was the right—nay, more, it was the imperative duty of the House of Representatives to make contingent preparation for the worst. The urgency of the case was still more striking, because in ten or eleven of the States Representatives could not be elected until months after the adjournment, and therefore Congress could not have been assembled to meet any emergency which might occur.

But, sir, does it require a recommendation of the Executive, or a vote of the House of Representatives, to originate such an appropriation? Any individual Senator or member of the House may do it with the strictest propriety. Did the Senator from Delaware (Mr. Clayton) ask the approbation of the President, before he made the motion at the last session, which does him so much honor, to increase the appropriation for fortifications half a million? How did the amendments proposed by the Senator from Massachusetts (Mr. Webster) to the fortification bill of the last session originate? I presume from the Committee of Finance, of which he was the Chairman. No doubt he conferred with the Head of the proper Executive department, according to the custom in such cases; but still these appropriations of more than four hundred thousand dollars had their origin in that committee. It was a proper, a legitimate source. Is then the ancient practice to be changed, and must it become a standing rule that we are to appropriate no money without the orders or the expressed wish of the Executive? I trust not.

The form of this appropriation has been objected to. I shall read it.

“And he it further enacted, That the sum of three millions of dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: Provided, such expenditures shall be rendered necessary, for the

defence of the country, prior to the next meeting of Congress.”

It has been urged that to grant the money in such general terms would have been a violation of the Constitution. I do not understand that the Senator from Massachusetts, (Mr. Webster,) at the present session, has distinctly placed it upon this ground. Other Senators have done so in the strongest terms. Is there any thing in the Constitution which touches the question? I simply declare that “no money shall be drawn from the Treasury, but in consequence of appropriations made by law.” Whether these appropriations shall be general or specific is left entirely, as it ought to have been, to the discretion of Congress. I admit that, *ex vi termini*, an appropriation of money must have a reference to some object. But whether you refer to a class, or to an individual, to the genus or to the species, your appropriation is equally constitutional. The degree of specification necessary to make the law valid never can come a constitutional question. The terms of the instrument are as broad and as general as the English language can make them. In this particular, as in almost every other, the framers of the Constitution have manifested their wisdom and their foresight. Cases may occur and have occurred in the history of this Government, demanding the strictest secrecy; cases in which to specify would be to defeat the very object of the appropriation. A remarkable example of this kind occurs in the administration of Mr. Jefferson, to which I shall presently advert.

There are other cases in which from the very nature of things you cannot specify the objects of an appropriation without the gift of prophecy. I take the present to be a clear case of this description. The appropriation was contingent; it was to be for the defence of the country. How then could it have been specific? How could you foresee when, or where, or how the attack of France would be made? Without this foreknowledge, you could not designate when, or where, or how it would become necessary to use the money. This must depend upon France, not upon ourselves. She might be disposed to confine the contest merely to a naval war. In that event it would become necessary to apply the whole sum to secure us against naval attacks. She might threaten to invade Louisiana or any other portion of the Union. The money would then be required to call out the militia, and to march them and the regular army to that point. Every thing must depend upon the movements of the enemy. It might become necessary, in order most effectually to resist the contemplated attack, to construct steam frigates or steam batteries, or it might be deemed more proper to increase your ordinary navy and complete and arm your fortifications. In a country where Congress cannot be always in session, you must in times of danger, grant some discretionary powers to the Executive. This should always be avoided when it is possible, consistently with the safety of the country. But it was wise, it was prudent in the framers of the constitution, in order to meet such cases, to declare in general terms that “no money shall be drawn from the Treasury, but in consequence of

appropriations made by law." Not specific appropriations. The terms are general and unrestricted. If the amendment had appropriated one million to fortifications, the second million to the increase of the navy, and the third to the purchase of ordnance and arms, it might have been found that a great deal too much had been appropriated to one object, and great deal too little to another.

As a matter of expediency, as a means of limiting the discretion of Executive officers, I am decidedly friendly to specific appropriations, whenever they can be made. I so declared in the debate at the last session. I then expressed a wish that this appropriation had been more specific; but upon reflection, I do not see how it could have been made much more so, unless we had possessed the gift of prophecy. But the constitution has nothing to do with the question.

After all, I attached more value to specific appropriations before I had examined this subject, than I do at the present moment. Still I admit their importance. The clause which immediately follows in the constitution is the true touchstone of responsibility. Although the appropriation may be general; yet "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." No matter in what language public money may be granted to the Executive, in its expenditure, he is but the mere trustee of the American people, and he must produce to them his vouchers for every cent entrusted to his care. This constitutional provision holds him to a strict responsibility, to a responsibility much more severe than if Congress had been required in all cases to make specific appropriations.

How Senators can create a Dictator, and give him unlimited power over the purse and the sword out of such an appropriation, I am at a loss to conceive. It is a flight of imagination beyond my reach. What, sir, to appropriate three millions for the military and naval defence of the country in case it should become necessary during the recess of Congress, and at its next meeting to compel the President to account for the whole sum he may have expended; is this to create a Dictator? Is this to surrender our liberties into the hands of one man? And yet gentlemen have contended for this proposition.

What has been the practice of the Government in regard to this subject? During the period of our two first Presidents, appropriations were made in the most general terms. No one then imagined that this was a violation of the constitution. When Mr. Jefferson came into power this practice was changed. In his message to Congress of December 8th, 1801, he says: "In our care too of the public contributions entrusted to our discretion, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition. Susceptible of definition. Here is the rule, and here is the exception. He treats the subject not as a constitutional question, but as one of mere expediency. In little more than two short years after this recommendation, Mr. Jefferson found it was necessary to obtain an appropriation

from Congress in the most general terms. To have made it specific would necessarily have defeated its very object. Secrecy was necessary to success. Accordingly on the 26th February, 1803, Congress made the most extraordinary appropriation in our annals. They granted to the President the sum of two millions of dollars "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." Here, sir, was a grant almost without any limit. It was co-extensive with the whole world. Every nation on the face of the earth was within the sphere of its operation. The President might have used this money to subsidize foreign nations to destroy our liberties. That he was utterly incapable of such conduct it is scarcely necessary to observe. I do not know that I should have voted for such an unlimited grant. Still, however, there was a responsibility to be found in his obligation under the constitution to account for its expenditure. Mr. Jefferson never used any part of this appropriation. It had been intended for the purchase of the sovereignty of New Orleans and of other possessions in that quarter; but our treaty with France of the 30th April 1803, by which Louisiana was ceded to us, rendered it unnecessary for him to draw any part of this money from the Treasury, under the act of Congress, by which it had been granted.

Before the close of Mr. Jefferson's second term, it was found that specific appropriations in the extent to which they had been carried, had become inconvenient. Congress often granted too much for one object, and too little for another. This must necessarily be the case, because we cannot say beforehand precisely how much shall be required for any one purpose. On the 3d of March, 1809, an act was passed, which was approved by Mr. Jefferson, containing the following provision:

"Provided, nevertheless, That, during the recess of Congress, the President of the United States may, and he is hereby authorized; on the application of the Secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session."

Is this act constitutional? If it be so, there is an end of the question. Has its constitutionality ever been doubted? It authorizes the President to take the money appropriated by Congress for one specific object and apply it to another. The money destined for any one purpose by an appropriation bill, may be diverted from that purpose by the President, and be applied to any other purpose entirely different, with no limitation whatever upon his discretion, except that money to be expended by one of the Departments, either of War, or of the Navy, or of the Treasury, could not be transferred to another Department.

It is not my intention to cite all the precedents bearing upon this question. I shall merely advert

to one other. On the 10th of March, 1812, Congress appropriated five hundred thousand dollars "for the purpose of fortifying and defending the maritime frontier of the United States." This was in anticipation of the late war with Great Britain, and is as general in its terms, and leaves as much to Executive discretion, as the proposed appropriation of three millions.

I trust, then, that I have established the positions that this appropriation originated from a legitimate source—was necessary for the defence and honor of the country, and violated no provision of the constitution. If so, it ought to have received the approbation of the Senate.

When the fortification bill came back to the Senate, with this appropriation attached to it by the House, the Senator from Massachusetts, (Mr. Webster,) instantly moved that it should be rejected. I feel no disposition to make any harsh observations in relation to that gentleman. I think, however, that his remark, that if the enemy had been thundering at the gates of the capitol, he would have moved to reject the appropriation, was a most unfortunate one for himself. I consider it nothing more than a bold figure of speech. I feel the most perfect confidence that the gentleman is now willing to vote all the money which may be necessary for the defence of the country.

Of the gentleman's sincerity in opposing this appropriation, I did not then, nor do I now entertain a doubt. He was ardent and impassioned in his manner, and was evidently in a state of highly excited feeling. Probably strong political prejudices may have influenced his judgment, without his knowledge. He thought that a high constitutional question was involved in the amendment, and acted accordingly.

When the bill returned again to the Senate, after we had rejected, and the House had insisted upon their amendment, the Senator immediately moved that we should adhere to our rejection. I well recollect, sir, that you, (Mr. King, of Alabama was in the chair,) remarked at the time, that this was a harsh motion; and should it prevail, would be well calculated to exasperate the feelings of the House and to defeat the bill. You then observed that the proper motion would be to insist upon our rejection, and ask a conference; and that the motion to adhere ought not to be resorted to until all gentler measures had failed.

The Senator now claims the merit, and is anxious to sustain the responsibility, of having moved to reject this appropriation. He also asks in mercy, that when the expunging process shall commence, his vote, upon this occasion, may be spared from its operation.

For the sake of my country, and in undisguised sincerity of purpose, I declare, for the sake of the gentleman, I am rejoiced that the responsibility which he covets, will, probably, not be so dreadful as we had just reason to apprehend. Had France attacked us, or should she yet attack us, in our present defenceless condition; should our cities be exposed to pillage, or the blood of our citizens be shed, either upon the land or the ocean; should our national character be dishonored; tremendous, indeed, would be the responsibility of the gentleman. In that event, he need not beseech

us to spare his vote from the process of expunging. You might as well attempt to expunge a sunbeam. That vote will live forever in the memory of the American people.

It was the vote of the Senate which gave the mortal blow to the fortification bill. Had they passed this appropriation of three millions, that bill would now have been a law. Where it died, it is scarcely necessary to inquire. It was in mortal agony when the consultation of six political doctors was held upon it at midnight, in our conference chamber, and it probably breathed its last, on its way from that chamber to the House of Representatives, for want of a quorum in that body.

Its fate, in one respect, I hope may yet be of service to the country. It ought to admonish us, if possible, to do all our legislative business before midnight on the last day of the session. I never shall forget the night I sat side by side, in the House of Representatives, with the Senator from Massachusetts, (Mr. Webster,) until the morning had nearly dawned. The most important bills were continually returning from the Senate with amendments. It would have been in the power of any one member remaining in the House to have defeated any measure by merely asking for a division. This would have shown that no quorum was present. The members who still remained were worn down and exhausted, and were thus rendered incapable of attending to their duties. It was legislation without deliberation. I trust that this evil may be now corrected. Should it not, I do not know that, at the conclusion of a Congress, my conscience would be so tender as to prevent me from voting, as I have done heretofore, after midnight on the third of March.

I have one other point to discuss. I shall now proceed to present to the Senate the state of our relations with France, at the present moment, for the purpose of proving, that we ought to adopt the resolutions of the Senator from Missouri (Mr. Benton) and grant all appropriations necessary for the defence of the country. For this purpose, we must again return to Paris. The President's annual Message of December, 1834, arrived in that city on the 8th of January—a day propitious in our annals. The attack upon the British troops on the night of the 23d of December did not surprise them more than this Message did the French ministers. After the most patient endurance of wrongs for so many years, they seemed to be astounded that the President should have asserted our rights in such a bold and manly manner. That Message, sir, will eventually produce the payment of the indemnity. What effect had it upon the character of our country abroad? Let Mr. Livingston answer this question? In writing to the Secretary of State, on the 11th January, 1835, he says: "It has certainly raised us in the estimation of other Powers, if I may judge from the demeanor of their representatives here; and my opinion is, that as soon as the first excitement subsides, it will operate favorably on the councils of France." There was not an American in Paris, on that day, who upon the perusal of this Message, did not feel the flush of honest pride of country mantling in his countenance.

On the 22d of November previous, Mr. Livingston was convinced that the King was sincere in his intention of urging the execution of the treaty, and then had no doubt of the sincerity of his Cabinet. The Chambers assembled on the first of December; and after an arduous struggle for two days against the opposition, victory perched upon the banner of the ministers. They were thus securely seated in their places. On the 6th of December Mr. Livingston again writes, that "The conversations I have had with the King and all the ministers, convince me that now they are perfectly in earnest, and united on the question of the treaty, and that it will be urged with zeal and ability." In a few short days, however, a change came over their spirit. On the 22d December Mr. Livingston uses the following language in writing to the Department of State:—"My 1st despatch (6th December) was written immediately after the vote of the Chamber of Deputies had, as it was thought, secured a majority to the Administration; and it naturally excited hopes which that supposition was calculated to inspire. I soon found, however, both from the tone of the Administration press, and from the language of the King, and all the ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question; it will not be made one on the determination of which the ministers are willing to risk their portfolios. The very next day, after the debate, the ministerial gazette (*Des Debats*) declared that, satisfied with the approbation the Chamber had given to their system, it was at perfect liberty to exercise its discretion as to particular measures which do not form *an essential part of that system*; and the communications I subsequently had with the King and the ministers confirmed me in the opinion that the law for executing our convention was to be considered as one of those free questions. I combated this opinion, and asked whether the faithful observance of treaties was not *an essential part of their system*; and, if so, whether it did not come within their rule."

The observance of treaties was not an essential part of their system! Victorious and securely fixed, the ministers would not risk their places in attempting to obtain from the Chambers the appropriation required to carry our treaty into execution. It would not be made a cabinet question. It is evident they had determined to pursue the same course of delay and procrastination which they had previously pursued. But the message arrived, and it roused them from their apathy. All doubts which had existed upon the subject of making the payment of our indemnity a cabinet question at once vanished. We have never heard of any such since; and it was not until some months after, that the French Ministers thought of annexing any condition to this payment.

On the 13th January, Mr. Livingston had a conference with the Count de Rigny. He then explained to him the nature of a message from our President to Congress. He compared it to a family council under the French law, and showed that it was a mere communication from one branch of our Government to another, with which a foreign

nation had no right to interfere, and at which, they ought not to take offence. They parted on friendly terms, and again met on the same terms in the evening, at the Austrian Ambassador's. Mr. Livingston was, therefore, much astonished when about ten o'clock at night of the same day, he received a note from the Count, informing him that Mr. Serrurier, the French Minister at Washington, had been recalled, and that his passports were at his service. This seems to have been a sudden determination of the French Cabinet.

Now, sir, upon the presumption that France had been insulted by the message, this was the proper mode of resenting the insult. Promptly to suspend all diplomatic intercourse with the nation who had menaced her or questioned her honor, was a mode of redress worthy of her high and chivalrous character. The next impulse of wounded pride would be promptly to pay the debt which she owed, and release herself from every pecuniary obligation to the nation which had done her this wrong. These were the first determinations of the King's Ministers.

France has since been placed before the world, by her rulers, in the most false position ever occupied by a brave and gallant nation. She believes herself to be insulted, and what is the consequence? She refuses to pay a debt now admitted to be just by all the branches of her Government. Her wounded feelings are estimated by dollars and cents; and she withholds twenty-five millions of francs, due to a foreign nation, to soothe her injured pride. How are the mighty fallen! Truly it may be said, the days of chivalry are gone. Have the pride and the genius of Napoleon left no traces of themselves under the constitutional monarchy? In private life, if you are insulted by an individual to whom you are indebted, what is the first impulse of a man of honor? To owe no pecuniary obligation to the man who has wounded your feelings—to pay him the debt instantly, and to demand reparation for the insult, or at the least, to hold no friendly communication with him afterwards.

This course the King's ministers had, at first, determined to pursue. The reason why they abandoned it, I shall endeavor to explain hereafter.

Mr. Livingston, in his letter to Mr. Forsyth of the 14th January, 1835, says: "The law, it is said, will be presented to day, and I have very little doubt that it will pass. The ministerial phalanx, reinforced by those of the opposition, (and they are not a few,) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote."

Did Mr. Livingston intend to say, that France would be terrified into this measure? By no means. But, in the intercourse between independent States, there is a point at which diplomacy must end, and when a nation must either abandon her rights, or determine to assert them by the sword, or by such strong and decided measures as may eventually lead to hostilities. When this point is reached, it becomes a serious and alarming crisis for those, to whom, on earth, the destiny of nations is entrusted. When the one alternative

is war, either immediate or prospective, with all the miseries which follow in its train, and the other the payment of a just debt to an ancient ally and firm friend, who could doubt what must be the decision? Such was the position in which France stood towards the United States. Not only justice, but policy required the payment of the debt. In the event of war, or, of a non-intercourse between the two nations, her wine-growers, her producers and manufacturers of silk, and all her other manufacturing interests, especially those of her southern provinces, would be vitally injured. The payment of five millions of dollars would be but a drop in the ocean, compared with the extent of their sufferings. In France, they then believed that the time for diplomacy—the time for procrastination had ended. The President's Message had opened their eyes to the importance of the subject. It was under this impression, that Mr. Livingston predicted that the bill would pass the Chambers. That it would have done so, without any condition, had Congress responded to the President's Message, I do not say, by authorizing reprisals, but by manifesting a decided resolution to insist upon the execution of the treaty, will, I think, appear abundantly evident hereafter.

The French Ministry having manifested their sensibility to the supposed insult, by recalling Mr. Serrurier, proceeded immediately to present the bill for the execution of the treaty to the Chambers. In presenting it on the 15th January, Mr. Humann, the Minister of Finance, addressed the Chamber. His speech contains the views then entertained by the French cabinet. I shall read an extract from it. He says:

"General Jackson has been in error respecting the extent of the faculties conferred upon us, by the Constitution of the State; but if he has been mistaken as to the laws of our country, we will not fall into the same error with regard to the institutions of the United States. Now, the spirit and letter of those institutions authorize us to regard the document above named, [the message,] as the expression of an opinion merely personal, so long as that opinion has not received the sanction of the other two branches of the American Government. The message is a Government act, which is still incomplete, and should not lead to any of those determinations, which France is in the habit of taking in reply to a threat or an insult."

The French Ministry, at that time, considered the President's Message, merely his personal act, until it should receive the sanction of Congress. They, then, then, did not dream of requiring an explanation of it, as the only condition on which they would pay the money. This was an after thought. The bill presented by Mr. Humann merely prescribed, that the payments should not be made, "until it shall have been ascertained that the Government of the United States has done nothing to injure the interests of France." This bill was immediately referred to a committee, of which Mr. Dumon was the Chairman. On the 28th of March, he reported it to the Chamber, with a provision, that the money should not be paid, if the Government of the United States shall have done any thing "contrary to the dignity and the interests of France." Still we hear nothing of an explana-

tion of the message being made a condition of the payment of the money. The clauses in the bill to which I have adverted, were evidently inserted to meet the contingency of reprisals having been sanctioned by Congress.

The debate upon the bill in the Chamber of Deputies commenced on the 9th of April and terminated on the 18th. On that day General Valazé proposed his amendment declaring that "the payments in execution of the present law cannot be made until after the French Government shall have received satisfactory explanations, with regard to the message of the President of the United States, dated the 2d December, 1834."

The Duke de Broglie, the Minister of Foreign Affairs, accepted this amendment. I shall read his remarks on this occasion. He says: "The intention of the Government has always been conformable with the desire expressed by the author of the amendment which is now before the Chamber, (*great agitation,*) the Government has always meant that diplomatic relations should not be renewed with the Government of the United States until it had received satisfactory explanations. The Government, therefore, does not repulse the amendment itself." After this, on the same day, the bill passed the Chamber by a vote of 289 to 137.

Well might the Chamber be agitated at such an announcement from the Minister of Foreign Affairs. Why this sudden change in the policy of the French Government? The answer is plain. Congress had adjourned on the 4th of March, without manifesting by their actions, any disposition to make the fulfilment of the treaty a serious question. Whilst our Treasury was overflowing, they had refused to make any provision for the defence of the country. They had left the whole coast of the United States from Maine to Georgia, in a defenceless condition. The effect upon the French Chamber and the French people was such as might have been anticipated. To prove this, I shall read an extract from a speech delivered by Mr. Bignon, one of the Deputies, on the 10th April. I select this from many others, because it contains nothing which can be offensive to any Senator. It will be recollected that Mr. Bignon is the gentleman who had been more instrumental in defeating the bill at the previous session than any other member.

"President Jackson's message has astonished them, (the Americans,) as well as us; they have seen themselves thrown by it into a very hazardous situation. What have they done? They are too circumspect and clear-headed to express, by an official determination, their disapproval of an act which, in reality, has not received their assent. Some of them, for instance Mr. Adams, in the House of Representatives, may indeed, from a politic patriotism, have even eulogized the President's energy, and obtained from the Chamber the expression that the treaty of 1831 must be complied with; but at a preceding sitting the same member took pains to declare that he was not the defender of a system of war; he proclaimed aloud that the resolution adopted by the Senate was an expedient suggested by prudence, and he thought the House of Representatives should

pursue the same course. Gentlemen, the American Legislature had to resort to expedients to get out of the embarrassing dilemma in which the President's message had placed them; and they acted wisely."

From the conduct of Congress, the French Chambers were under the impression that the people of the United States would not adopt any energetic measures to compel the fulfilment of the treaty. They had no idea that the nation would sustain the President in his efforts. They had reason to believe that he was left almost alone. They appear ever since to have acted under this delusion. According to the impression of Mr. Bignon, the nation was astounded at President Jackson's message. This is the true reason why the Ministry accepted the amendment requiring President Jackson to make an explanation.

The best mode of obtaining justice from the powerful as well as from the weak—the best mode of elevating this nation to the lofty position she is destined to occupy among the nations of the earth—the best mode of preventing war and preserving peace, is to stand up firmly for our rights. The assertion of these rights, not by threats, but boldly, manfully and frankly, is the surest method of obtaining justice and respect from other nations.

At so early a day as the 29th of January, Mr. Livingston had addressed a note to the Duke de Broglie, distinctly disavowing any intention, on the part of the President, by his message, to intimidate France, or to charge the French Government with bad faith. On the 25th of April, in another letter to the Duke, he communicated to him the President's official approbation of his former note. In this last letter, he reiterates his explanations, and assures the Duke, that whilst the President intended to use no menace, nor to charge any breach of faith against the King's Government, he never could and never would make an explanation of his message, on the demand of a Foreign Government. This letter would, of itself, be sufficient to give its author a high rank not only among the diplomatists, but the statesmen of his country. The sentiments it contains were unanimously approved by the American people. Although it was received by the Duke before the bill had been acted upon by the Chamber of Peers, it produced no effect upon the French Ministry. The bill was finally passed and obtained the sanction of the King, in a form requiring the President to explain his message before the money could be paid.

This state of facts distinctly raises the important question, whether a President of the United States can be questioned by a Foreign Government for any thing contained in a message to Congress. The principle that he cannot, has already been firmly established by the practice of our Government. Even in our intercourse with France, in former times, the question has been settled. This principle results from the very nature of our institutions. It must ever be maintained inviolate. Reverse it, and you destroy the independent existence of this Republic, so far as its intercourse with Foreign Nations is concerned.

The constitution requires, that the President of the United States "shall, from time to time, give

to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This information is intended not only for the use of Congress, but of the people. They are the source of all power, and from their impulse all legitimate legislation must proceed. Both Congress and the people must be informed of the state of our foreign relations by the Executive. If the President cannot speak freely to them upon this subject; if he cannot give them all the information which may be necessary to enable them to act, except under the penalty of offending a foreign Government, the Constitution of the United States, to this extent, becomes a dead letter. The maintenance of this principle is an indispensable condition of our existence, under the present form of Government.

If we are engaged in any controversy with a foreign nation, it is not only the right, but it is the imperative duty of the President, to communicate the facts to Congress, however much they may operate against that nation. Can we then, for a single moment, permit a foreign Government to demand an apology from the President for performing one of his highest duties to the people of the United States?

Let us put an extreme case. Suppose the President, after giving a history of our wrongs to Congress, recommends not merely a resort to reprisals, but to war, against another nation. Shall this nation, which has inflicted upon us injury after injury, be permitted to change her position, to cancel all our claims for justice, and to insist that we have become the aggressors, because a resort to arms has been recommended? I feel the most perfect confidence, that not a single Senator will ever consent to yield this position to France or to any other nation. I need not labor this question. The subject has been placed in the clearest and strongest light by Mr. Livingston, in his letter to the Duke de Broglie of the 25th of April.

If any possible exception to the rule could be tolerated, surely this would not present the case. The Duke de Broglie himself, in his letter to Mr. Pageot, is constrained to admit, that there is not a single offensive sentence respecting France in the message; but yet he complains of the general effect of the whole.

With a full knowledge then that the President could not, would not, dare not explain his message, on the demand of any Foreign Government, the Duke de Broglie addresses his famous letter to the Chargé de Affaires of France, at Washington. It bears date at Paris, on the 17th June, 1835. Before I proceed to make any remarks upon this letter, I wish to bring its character distinctly into the view of the Senate. It commences by declaring, in opposition to the principle that the President of the United States cannot be called upon by a foreign Government to make explanations of a message to Congress; that, "by virtue of a clause inserted in the article first, by the Chamber of Deputies, the French Government must defer making the payments agreed upon, until that of the United States shall have explained the true meaning, and real purport of divers passages inserted by the President of the Union in his

message at the opening of the last session of Congress, and at which all France, at the first aspect, was justly offended."

It proceeds still further, and announces that, "the Government, having discovered nothing in that clause at variance with its own sentiments, or the course it had intended to pursue, the project of law thus amended on the 18th April, by the Chamber of Deputies, was carried on the 27th, to the Chamber of Peers."

The Duke, after having thus distinctly stated, that an explanation of the message was required as a condition of the payment of the money, and after presenting a historical sketch of the controversy, then controverts, at considerable length, the position which had been maintained by Mr. Livingston, that the President could not be questioned by a Foreign Government for anything contained in a message to Congress. He afterwards asserts, in the broadest terms, that the explanations which had been voluntarily made by Mr. Livingston, and sanctioned by the President, were not sufficient.

In suggesting what would satisfy France, he says, "we do not here contend about this or that phrase, this or that allegation, this or that expression; we contend about the intention itself, which has dictated that part of the message." And again, speaking of Mr. Livingston's letters of the 29th January, and 25th April, he adds:

"You will easily conceive, sir, and the Cabinet of Washington will, we think, understand it also, that such phrases incidentally inserted in documents, the purport and tenor of which are purely polemical, surrounded, in some measure, by details of a controversy, which is besides not always free from bitterness, cannot dispel sufficiently the impression produced by the perusal of the message, nor strike the mind as *would the same idea expressed in terms single, positive, direct, and unaccompanied by any recrimination concerning facts or incidents no longer of any importance.* Such is the motive which, among many others, has placed the French Government in the impossibility of acceding to the wish expressed by Mr. Livingston towards the conclusion of his note of the 29th of April by declaring (to the Chamber of Peers probably) that previous explanations given by the minister of the United States and subsequently approved by the President, had satisfied it."

After having thus announced the kind of explanation which would be expected, he states, that the French Government "in pausing then for the present, and waiting for the fulfilment of those engagements to be claimed, (the engagements of the treaty) and expecting those to be claimed *in terms consistent with the regard due to it*, it is not afraid of being accused, nor France, which it represents, of being accused of appreciating national honor by any number of millions, which it could withhold as a compensation for any injury offered to it." The letter concludes by authorizing Mr. Pageot to read it to Mr. Forsyth, and *if he be desirous, to let him take a copy of it.*

It is impossible to peruse this letter, able and ingenious as it is, without at once perceiving, that it asks what the President can never grant, without violating the principle that France has no right to demand an explanation of his message.

On the 11th of September, Mr. Pageot, the French Chargé d'Affaires, called at the Department of State and read this despatch to Mr. Forsyth. The latter did not think proper to ask a copy of it; and for this, he has been loudly condemned. In my judgment, his conduct was perfectly correct.

No objection can be made to this indirect mode of communication with the Government of the United States adopted by the Duke. It is sanctioned by diplomatic usage. The rules, however, which govern it, are clearly deducible from its very nature. It is a mere diplomatic feeler thrown out to ascertain the views of another Government. The Duke himself justly observes that its object is "to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy."

Had Mr. Forsyth asked and received a copy of this despatch, he must have given it an answer. Respect for the source from which it proceeded would have demanded this at his hands. If this answer could have been nothing but a direct refusal to comply with the suggestions of the French Government, then he was correct in not requesting leave to take a copy of it. Why was this the case? Because it would have added to the difficulties of the question already sufficiently numerous, and would have involved him in a direct controversy, which it is the very object of this mode of communication to prevent. This is the reason why it was left by the despatch itself, within his own option whether to request a copy or not; and his refusal to make this request ought to have given no offence to the French Government.

Now, sir, what answer could he have given to this communication, but a direct refusal? Had not the Duke been fully apprised before he wrote this despatch, that it could receive no other answer? It required explanations as a condition of the payment of the money, which he had been informed the President could never make. On this ground, then, and for the very purpose of avoiding controversy, the conduct of Mr. Forsyth was correct.

But there is another reason to justify his conduct, which, I think, must carry conviction to every mind. The President proposed, in his annual message, voluntarily to declare, that he had never intended to menace France, or to impeach the faith of the French Government. This he has since done in the strongest terms. As offence was taken by the French Government at the language of a former message, it was believed that such a declaration in a subsequent message would be, as it ought to be, entirely satisfactory to France. Had Mr. Forsyth taken a copy of this despatch, and placed it among the archives of the Government, how could the President have made, consistently with his principles, the disclaimer which he has done? A demand for an explanation would thus have been interposed by a foreign Government, which would have compelled him to remain silent. The refusal of Mr. Forsyth to ask a copy of the despatch, left the controversy in its old condition; and, so far as our Government was concerned, left this letter from the Duke de Broglie to Mr. Pageot as if it never had been written. The President, therefore, re-

maintained at perfect liberty to say what he thought proper in his message.

If this letter had proposed any reasonable terms of reconciling our difficulties with France—if it had laid any foundation on which a rational hope might have rested that it would become the means of producing a result so desirable, it would have been the duty of Mr. Forsyth to request a copy. Upon much reflection, however, I must declare that I cannot imagine what good could have resulted from it in any contingency; and it might have done much evil. Had it prevented the President from speaking as he has done in his last message concerning France, it might have involved the country in a much more serious misunderstanding with that Power than existed at the present moment.

I should be glad to say no more of this despatch, if I could do so consistently with a sense of duty. Mr. Pageot did not rest satisfied with Mr. Forsyth's omission to request a copy of it, as he ought to have done. He deemed it proper to attempt to force it upon him which the despatch itself had left entirely to his own discretion. Accordingly, on the 1st of December last, he enclosed him a copy. On the third, Mr. Forsyth returned it with a polite refusal. On the fifth, Mr. Pageot again addressed Mr. Forsyth, and avowed that his intention in communicating the document, "was to make known the real disposition of my Government to the President of the United States, and through him to Congress and the American People." Thus it is manifest, that his purpose was to make the President the instrument by which he might appeal to the American People against the American Government. After he had failed in this effort, what is his next resort? He publishes this despatch to the people of the United States through the medium of our public journals. I now hold in my hand the number of the *Courier des Etats Unis* of the 20th of January, a journal published in New York, which contains the original despatch in the French language. In a subsequent number of the same journal, of the 24th January, there is an editorial article on the subject of the President's special message to Congress, and of this despatch, of a part of which I shall give my own translation. It is as follows:

"Our last number contained the despatch of M. the Duke de Broglie to the *Chargé d'Affaires* of France at Washington, concerning which the Senate had demanded such explanations as were in the power of the Executive. On the same day, the late message of the President of the United States, which had been expected with so much impatience and anxiety, arrived at New York. To this document are annexed many letters of the Duke de Broglie, of Mr. Forsyth, and of Mr. Pageot, which will be read with great interest. We give a simple analysis of the least important, and an exact copy of those which have been written originally in French.

"The public attention was first occupied with this letter of the Minister of Foreign Affairs, which was known here some hours before the Message of the President of the United States; and if some journals of the Government have found this publication unseasonable, made by the *Legation of France according to the orders which it had*

received, nobody, at least, has been able to deny the talent, the moderation, and the force of reasoning which have presided at its preparation."

By whom was the Legation of France ordered to publish this despatch? Who alone had the power of issuing such an order? The French Government. Against this positive language, I can still scarcely believe that the Duke de Broglie has given an order so highly reprehensible.

The publication of this despatch was an outrage upon all diplomatic usage. It ought to have been intended as the harbinger of peace, and not of renewed controversy. From its very nature it was secret and confidential. If not received, it ought to have been as if it never had existed. Upon any other principle, it would aggravate the controversy which such communications are always intended to prevent. It has now been diverted from its natural purpose by the French Legation, and has been made the subject of an appeal by France to the American people against their own Government. It has thus greatly increased the difficulties between the two countries. It has proclaimed to the world that France requires, from the President of the United States, an apology of his message as an indispensable condition of the execution of our treaty. It has, therefore, rendered it much more difficult for her to retract.

The true meaning of this despatch is now rendered manifest to the most sceptical. The Duke de Broglie, in his interview with Mr. Barton, on the 12th October last, has placed his own construction upon it. The apology which he then required from the President, contains his own commentary upon this despatch. I need not read the history of that interview to the Senate, to prove that I am correct in this assertion. It must be fresh in the recollection of every Senator.

Considered as an appeal to the American people against their own Government, the publication of this despatch deserves still more serious consideration. Foreign influence, in all ages, has been the bane of republics. It has destroyed nearly all of them which have ever existed. We ought to resist its approaches on every occasion. In the very infancy of our existence as a nation, a similar attempt was made by France. It was then repulsed as became a nation of freemen. The present attempt will have the same effect on the American people. It will render them still more firm and still more united in the cause of their country.

Of Mr. Barton's recall, I need say but little. It was the direct consequence of the refusal of France to execute the treaty, without an apology from the President of his message.

Diplomatic relations between the two countries had been first interrupted by France. On this subject hear what the Count de Rigny said in his *exposé* read to the Chamber of Peers, on the 27th April last, on presenting the bill for the execution of our treaty. I give my own translation:

"You know the measure which the Government of the King adopted at the very instant when the message, presented by the President of the Union, at the opening of the last Congress, arrived in Europe. You know that since that time, a similar measure has been adopted by Pre-

ident Jackson himself. The two ministers, accredited near the two Governments, are reciprocally recalled; the effect of this double recall is at this moment, if not to interrupt, in all respects, the diplomatic communications between the two States, at least to interrupt them in what regards the treaty of the 4th July. If these relations ought to be renewed, and we doubt not that they ought, it is not for us hereafter to take the initiative."

On the 5th of June, the President had officially sanctioned the explanations which had been made to the French Government by Mr. Livingston, in his letter of the 25th of April, as he had previously sanctioned those which had been made by the same gentleman, in his note of the 29th of January. These were considered by the President, amply sufficient to satisfy the susceptible feelings of France. In order to give them full time to produce their effect, and to afford the French Ministry an ample opportunity for reflection, he delayed sending any orders to demand the money secured by the treaty, until the middle of September. On the 14th of that month, Mr. Barton was instructed to call upon the Duke de Broglie, and request to be informed, what were the intentions of the French Government, in relation to the payment of the money secured by the treaty. He executed these instructions on the 20th of October. The special message has communicated to us the result. "We will pay the money," says the Duke de Broglie, "*when the Government of the United States is ready on its part, to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France;*" and he adds, "*if the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error.*"

Is there any American so utterly lost to those generous feelings, which love of country should inspire, as to purchase five millions with the loss of national honor? Who, for these or any number of millions, would see the venerable man, now at the head of our Government, bowing at the footstool of the throne of Louis Philippe, and like a child, prepared to say its lesson, repeating this degrading apology? First, perish the five millions;—perish a thousand times the amount. The man, whose bosom has been so often bared in the defence of his country, will never submit to such degrading terms. His motto has always been, death before dishonor.

Why then, it may be asked, have I expressed a hope, a belief, that this unfortunate controversy will be amicably terminated, when the two nations are now directly at issue? I will tell you why. This has been called a mere question of etiquette; and such it is, so far as France is concerned. She has already received every explanation which the most jealous susceptibility ought to demand. These have been voluntarily tendered to her.

Since the date of the Duke de Broglie's letter

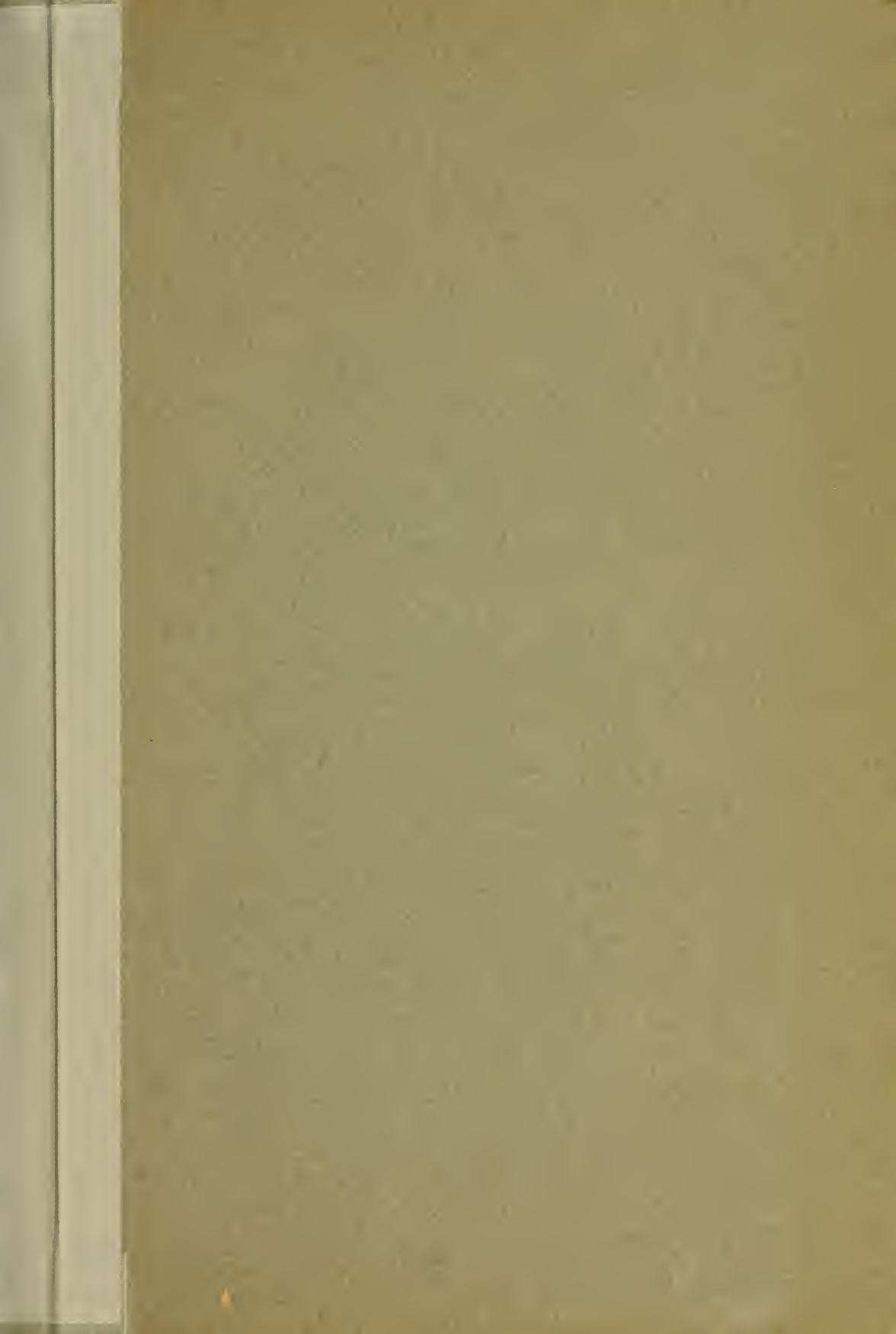
to Mr. Pageot of the 17th June, we have received from the President of the United States, his general message at the commencement of the session, and his special message on French affairs. Both these documents disclaim, in the strongest terms, any intention to menace France, or to impute bad faith to the French Government, by the message of December, 1834. Viewing the subject in this light; considering that at the interview with Mr. Barton, the Duke could not have anticipated what would be the tone of these documents, I now entertain a strong hope that the French Government have already reconsidered their determination. If a mediation has been proposed and accepted, I cannot entertain a doubt as to what will be the opinion of the mediator. He ought to say to France, you have already received all the explanations, and these have been voluntarily accorded, which the United States can make, without national degradation. With these you ought to be satisfied. With you, it is a mere question of etiquette. All the disclaimers which you ought to desire, have already been made by the President of the United States. The only question with you now, is not one of substance, but merely whether these explanations are in proper form. But in regard to the United States, the question is far different. What is with you mere etiquette, is a question of life and death to them. Let the President of the United States make the apology which you have dictated,—let him once admit the right of a Foreign Government to question his messages to Congress, and to demand explanations of any language at which they may choose to take offence, and their independent existence as a Government, to that extent, is virtually destroyed.

We must remember that France may yield with honor; we never can, without disgrace. Will she yield? That is the question. I confess I should have entertained a stronger belief that she would, had she not published the Duke's letter to Mr. Pageot as an appeal to the American people. She must still believe that the people of this country are divided in opinion in regard to the firm maintenance of their rights. In this she will find herself entirely mistaken. But should Congress, at the present session, refuse to sustain the President by adopting measures of defence; should the precedent of the last session be followed for the present year, then I shall entertain the most gloomy forebodings. The Father of his country has informed us that the best mode of preserving peace is to be prepared for war. I firmly believe, therefore, that a unanimous vote of the Senate in favor of the resolutions now before them, to follow to Europe the acceptance of the mediation, would, almost to a certainty, render it successful. It would be an act of the soundest policy as well as of the highest patriotism. It would prove, not that we intend to menace France, because such an attempt would be ridiculous; but that the American people are unanimous in the assertion of their rights, and have resolved to prepare for the worst.—A French fleet is now hovering upon our coasts; and shall we sit still, with an overflowing Treasury, and leave our country defenceless? This will never be said with truth of the American Congress.

If war should come, which God forbid,—if France should still persist in her effort to degrade the American people in the person of their Chief Magistrate,—we may appeal to Heaven for the justice of our cause, and look forward with confidence to victory from that Being in whose hands is the destiny of nations.







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